

PIKE COUNTY PROJECT DEVELOPMENT BOARD

REGULAR MEETING MINUTES

**Pike County Courthouse
Pikeville, Kentucky**

February 5, 2009

PRESIDING OFFICER: Judge Eddy Coleman

MEMBERS OF THE BOARD PRESENT:

**City Manager/AOC Representative Donovan Blackburn
Circuit Court Clerk David Deskins
AOC Project Manager Jeff Lilly
State Bar Association Representative Neal Smith**

OTHERS PRESENT:

**Rusty Davis, Pikeville City Attorney
Rose Farley, Recorder
Jeanne Robinson, Executive Assistant to Judge Rutherford**

MEMBER OF THE BOARD ABSENT:

**Judge/Executive Wayne T. Rutherford
Magistrate Jeff Anderson
Judge Charles E. Lowe, Jr.
Judge Darrell Mullins**

Judge Eddy Coleman of the Pike County Project Development Board acted as presiding officer for a regular meeting of the Board on February 5, 2009, at 5:00 p.m. in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky.

Judge Coleman asked for any discussion or corrections to the December 4, 2008 board minutes and approval of the January 15, 2009 minutes. **Upon motion by Neal Smith and second by David Deskins, the Board minutes for December 4, 2008, and January 15, 2009, were unanimously APPROVED.**

Judge Coleman asked about payment of bills. Jeff Lilly said there were two requests: one for Sherman, Carter Barnhart, which represents their 20% fee for Phase B which was approved at the last meeting; a standard fee set by LOC; and a second for Certificate No. Five to the Pike County Fiscal Court. He offered documentation to any who should desire to review it. **Upon motion by Donovan Blackburn and second by David Deskins, the Board unanimously AUTHORIZED payment of the two bills listed below as presented by Jeff Lilly:**

- 1) \$281,078.40 to Sherman, Carter Barnhart, which represents their 20% fee for Phase B which was approved at the last meeting; a standard fee set by LOC; and**
- 2) Certificate No. Five to the Pike County Fiscal Court in the sum of \$6,180.00 for reimbursables for the condemnation proceedings.**

Rusty Davis came forward to present updates on the condemnation cases and presented a detailed list for the Board. He went through each item and explained what had happened currently in each case. A copy of this Condemnation Report is attached to the end of the text of these Board minutes, entitled, "Attachment A" and made a part hereof as if fully written herein. He said Attorney Larry Webster filed on the premise that AOC has no real right to build on certain properties and he reported that some people did not contest the taking of the property but are involved with tax liens.

Mr. Lilly asked whether it would be more worthwhile to have all seven properties obtained and ready than to take one at a time. Neal Smith responded that was not really a legal question since possession is taken upon the receipt of money. Mr. Lilly said he did not know if the AOC budget would work this way. Mr. Davis said the demolition people could start work on the inside of some of these buildings before they are torn down since there does not appear to be any timetable on some of the legal work. He said eventually, the Board will obtain all the properties and the Fiscal Court will both take the title and borrow the money. He said the public use of the proposed building must be considered.

Judge Coleman asked if Phase B data would go in front of the same group as the first phase and Mr. Lilly answered it would not; that is just for in-house approval. Mr. Smith asked if the Board would have to go back and forth to get approval and get the interlocutory judgments. Mr. Lilly said it would have to run back through Budget if the Board decides to pay in and get the interlocutory judgment. Mr. Smith said the Board would get the interlocutory judgment and then pay the money to take possession. Mr. Lilly said he would have to make sure that the AOC budget could go ahead with this. Mr. Davis said the Lonnie Johnson Property at least would probably be considered by the March meeting. Judge Coleman reminded the Board that the Scott Property is voluntary.

Mr. Lilly warned there is a limited amount of work which can be done until all properties are completed. Mr. Smith stated that could result in obtaining some properties and not being able to secure others at the end of the project. Mr. Davis said by April all properties should be completed.

Mr. Lilly reported an Open Records Request from a Louisville attorney and he said it would be filled even though AOC is exempt from open records requests.

With no further business before the Board, Judge Coleman ADJOURNED the meeting.

Respectfully submitted,

Rose Farley